

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

JAMES D. JOHNSON, et al.

PLAINTIFFS

VS

CIVIL ACTION NO. 3:04cv251LN

HALEY BARBOUR, et al.

DEFENDANTS

MOTION FOR SUBSTITUTION OF COUNSEL

COME NOW, Defendants, Haley Barbour, et al., by and through counsel and file this Motion for Substitution of Counsel and in support thereof would show unto the Court the following:

1. Since the inception of this lawsuit, Betty A. Mallett, Amy Kebert Elder, Samuel E. Scott, of the law firm McGlinchey Stafford, PLLC, participated in representation of the Defendants.
2. Effective February 1, 2006, Betty A. Mallett, Amy Kebert Elder and Samuel E. Scott are no longer associated with McGlinchey Stafford, PLLC.
3. McGlinchey Stafford, PLLC shall continue to serve as counsel for the Defendants.
4. The Defendants request that Gretchen L. Zmitrovich, Ashley Tullos Young and Kenya Key Rachal, of the law firm of McGlinchey Stafford, PLLC, be added as additional counsel in this matter.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that this Court enter an Order allowing Betty A. Mallett, Amy Kebert Elder and Samuel E. Scott to withdraw as counsel of record and substituting Gretchen L. Zmitrovich, Ashley Tullos Young

and Kenya K. Rachal of the law firm of McGlinchey Stafford, PLLC, as counsel of record for the Defendants in this matter.

THIS the 1st day of February, 2006.

Respectfully submitted,

HALEY BARBOUR, as Governor of the State of Mississippi; DONALD TAYLOR, as Executive Director of the Department of Human Services; and RICKIE FELDER as Director of the Division of Family and Children's Services

BY: _____ /s/ Dewitt L. ("Rusty") Fortenberry, Jr. _____

OF COUNSEL:

Attorney General Jim Hood
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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

W. Wayne Drinkwater, Jr. Esq.
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I also certify that I have this day served a copy of the foregoing on the following non-ECF participants by United States Mail, postage prepaid:

Marcia Robinson Lowry, Esq.
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SO CERTIFIED, this the **1st** day of **February, 2006**.

/s/ Dewitt L. ("Rusty") Fortenberry, Jr.